

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>vs.</b>	)	<b>Criminal Action No. 22-00102-KD</b>
	)	
<b>DARIUS M. THORNTON,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

This action is before the Court on Defendant Darius M. Thornton’s Motion Nunc Pro Tunc to amend his sentence to be served concurrently with the state sentence he is presently serving (doc. 44). Upon consideration, and for the reasons set forth herein, the motion is DENIED.

Thornton plead guilty and was convicted of the offense of possession of a firearm by a felon. His 37-month sentence was imposed to serve “consecutively to all state cases.” (doc. 39). Thornton now moves the Court to modify his federal sentence to serve concurrent with the state sentence he is serving.

However, the Court lacks authority to grant the relief he seeks. The “[f]ederal courts are forbidden, as a general matter, to ‘modify a term of imprisonment once it has been imposed,’ 18 U.S.C. § 3582(c); but the rule of finality is subject to a few narrow exceptions.” Freeman v. United States, 564 U.S. 522, 526, 131 S. Ct. 2685, 2689, 180 L. Ed. 2d 519 (2011), holding modified by Hughes v. United States, 138 S. Ct. 1765, 201 L. Ed. 2d 72 (2018). Section 3582(c) states that an imposed term of imprisonment may be reduced when there are “extraordinary and compelling reasons [that] warrant such a reduction” or “the defendant is at least 70 years of age” and certain factors are met. 18 U.S.C. § 3582(c)(1)(A)(i) & (ii). The Court “may modify an imposed term of imprisonment” if a statute expressly permits the modification, or by way of Rule 35 of the Federal Rules of Criminal Procedure. 18 U.S.C. § 3582(c)(1)(B). The Court may

modify an imposed term of imprisonment when the defendant's "sentencing range has subsequently been lowered by the Sentencing Commission", and certain other factors are met. 18 U.S.C. § 3582(c)(2). Thornton has not alleged grounds that would meet the factors of any statute or rule which provides for modification of a federal sentence.

**DONE** and **ORDERED** this 17th day of July 2024.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**